
7. COMMUNITY CONSERVATION

A. INTRODUCTION

The 1989-2000 Baltimore County Master Plan clearly recognizes the purpose of designating Community Conservation Areas (CCAs) as "to maintain or enhance the physical, social, and economic resources of the County's older, urban area communities." The specified goals include:

1. to direct development to areas where adequate public facilities and services do exist;
2. to encourage redevelopment rather than new development;
3. to regulate public and private uses detrimental to the economic and social well-being of a community;
4. to establish land use patterns that do not increase extraneous traffic through residential neighborhoods;
5. to involve citizens in a careful review of all projects; and
6. to investigate county-wide revenue sources to provide increased capital funding.

COMMUNITY CONSERVATION OVERLAY DISTRICT

One way to address land use patterns and to regulate detrimental uses is to establish a Community Conservation zoning overlay district. This district would be specific for each community Conservation Area. The following general requirements would need to be met to establish a district.

First, the district could only be applied pursuant to a community plan. It would take effect when the plan was approved by the County Council.

Second, an "umbrella" community group would need to be designated by the neighborhoods in the plan area that could guide development and implementation of the plan. This group would also agree to serve as a conduit for notifying groups within its boundaries about projects and issues. The umbrella group would inform any affected neighborhood association about any community input meeting required for review of a development plan.

Detailed neighborhood plans should be prepared by residents after the overall Community Conservation plan has been completed. Some provisions, such as a specific list of significant historical properties,

should be addressed after the overall Towson Plan is completed and approved.

B. Towson Community Conservation Area (CCA)

The boundaries of the Community Conservation Area for Towson are shown on Map 1A on page 2. In general, the boundaries apply to residentially zoned land within the Towson Community Plan boundaries. Excluded are the major institutions of Goucher College, Towson State University, St. Joseph's Hospital, the Greater Baltimore Medical Center, Sheppard Pratt, and several major commercial areas. Small areas of RO, O-1, and BL zoning surrounded by residential zones are included.

Each of the growth management areas applied to Towson -- Urban Center, Employment Centers, and Community Conservation Areas -- may contain residential, office, business, or industrial zones. Each of these categories gives a focus to the type of development that will be encouraged. The intention of a Community Conservation designation is to protect existing residential areas from nonresidential encroachment, not to constrain the ability of businesses, industries, and institutions to use their property and to grow and prosper on their sites.

In addition, a zoning overlay district is proposed to be applied to the residentially zoned areas within the Community Conservation Area. Special zoning provisions are recommended to be applied to the properties covered by the overlay. These are outlined in section (C) below.

C. General Provisions for all Community Conservation Areas (CCAs)

1. Design Requirements:

All infill development within an existing community which requires a finding of compatibility should have densities, lot sizes, building design and materials, housing type, and open space ratios compatible with the surrounding community. Such development should follow the compatibility guidelines of the CMDP and maintain the character of the surrounding community, including the existing street pattern and open space network. A "Community Design Review Advisory Group" could be established to make recommendations to the OPZ on any development project identified for review by the Director of the OPZ.

2. Preservation of Historic or Architecturally - Significant Structures:

The overall Towson Community Plan may designate some structures as significant to the community. Individual neighborhoods may also determine that certain buildings have architectural or historic value. A list of these structures should

be included in any neighborhood plan. Assistance should be sought from the Landmarks Commission in such designation. Every effort should be made to have the historic structures listed on the County registry.

3. Vacant or Abandoned Properties:

All vacant buildings within the Towson CCA must be well maintained.

4. Livability Code:

Provisions of the livability code should be extended to the exteriors of all owner-occupied properties within the Towson CCA. Provisions for enforcement must be coordinated with the Department of Community Development.

5. Waivers:

Waivers of standards should be permitted only when of clear benefit to the neighborhood.

6. Zoning and Development

The following guidelines should apply to zoning and development in the Community Conservation areas:

- Additional nonresidential zoning should be discouraged.
- Class B office buildings should be discouraged in the RO zones.
- Infill housing development should match the existing density of the surrounding area, unless the development involves an elderly housing facility on a major institutional site.
- The appearance of existing businesses should be upgraded where needed.

7. Issues Related to the Town Center

- Maintaining the Boundaries

The boundaries of the EXISTING BM-CT district and the boundaries of the Towson Core, as designated in the Plan, should not be allowed to expand during the life of this Plan.

8. Reduction of Through Traffic in Neighborhoods

The Office of Planning and Zoning and/or Traffic Engineering should undertake a traffic management plan to focus on through traffic in residential areas. Parking should also be analyzed. The study should examine the "inner" areas first. The recommendations should be developed in consultation with the immediately-impacted neighborhood associations.

9. Neighborhood Open Space Plan

A neighborhood open space plan should be developed to address the following issues:

- . providing pedestrian access to the town center;
- . improving or strengthening existing parks;
- . linking parks and other open space together;
- . maintaining as much open space as possible on institutional and large, undeveloped sites; and
- . promoting the development of the Herring Run-Towson Run stream valley park.

10. Major Institutions

Any land that is part of one of the major institutions (Towson State University, Goucher College, Greater Baltimore Medical Center, St. Joseph's Hospital of Sheppard-Pratt) that is proposed to be developed residentially, and will not be integral to the institutional use, should become part of the Community Conservation Area and subject to all the provisions of the Community Conservation Area Plan. Any redevelopment of major institutional sites should provide for preserving significant amounts of open space.

D. Zoning Overlay District Provisions

1. The Towson overlay district will be divided into three components. These are:

- a. the "Outer Neighborhoods" which are those residential areas impacted by the expansion of nonresidential zoning and through traffic, but not to the same extent as the "inner" neighborhoods.
- b. the "Inner Neighborhoods," which are those residential areas closest to the commercial core and are most directly impacted by development and traffic pressures extending from the town center; and
- c. the "Enhancement Area" of East Towson, for which a detailed neighborhood plan has been prepared.

2. Outer Neighborhoods

The outer neighborhoods are relatively stable residential communities. However, the proliferation of Special Exception uses within the neighborhoods can have a deleterious effect on those who reside there. Unacceptable levels of noise and traffic may result from residences which are also used for Special Exception purposes. In order to minimize the detrimental side effects which can result from Special Exception use, the following standards should be met:

- a. the establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, convenience, or general welfare in a manner not addressed by the criteria below;
- b. the use will not tend to overcrowd the land and cause undue concentration of population;
- c. the use will not tend to interfere with adequate provisions for public facilities;
- d. the use will not tend to interfere with adequate light and air;
- e. the use will not be inconsistent with the purposes of the zoning or the spirit of the Zoning Regulations;
- f. the particular use proposed, at the particular location proposed, will not have any adverse effects above and beyond those inherently associated with such a use regardless of its location within the zone;
- g. the Special Exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood;
- h. the establishment of the Special Exception use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- i. the use will be sited and operate so that the vehicular and pedestrian traffic and parking generated by the use will not be hazardous or substantially conflict with existing traffic or parking in the neighborhood;
- j. Neighborhood Need: The preponderance of evidence must clearly demonstrate that for the public convenience, a need exists for the proposed use to service the population in the general neighborhood. The demonstration of need must take into account the present availability of such uses to that neighborhood and whether the neighborhood already has such uses.
- k. County Need: A need exists for the proposed use due to an insufficient number of similar uses presently available to serve existing population concentrations in the County, and the use at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood of the proposed use.

3. Inner Neighborhoods

The close proximity of the inner neighborhoods to the town core makes these areas desirable, especially for office use by businesses which work closely with the County government. Special Exception office uses for lawyers, engineers, surveyors, and doctors impact these neighborhoods very heavily, bringing in more traffic, large parking lots, storage of materials outside, and, in general, creating an ambience more

suited to a business community than to a residential community. Certain Special Exceptions are inherently so objectionable to these communities that they should not be allowed. Others, if not properly applied, can be very disruptive to residents of the inner neighborhoods. Therefore, the following provisions should apply:

- In drafting the legislation to create the zoning overlay district, consideration should be given to a provision stating that all existing nonresidential uses must comply with the current signage standards and, wherever possible, meet the intent of or be equivalent to the provisions of the Landscape Manual.
- All uses permitted by right in DR Zones will be allowed.
- Variances of zoning regulations should only be allowed for residential uses.

The following Special Exceptions should not be granted:

- funeral establishments,
 - veterinarians' offices,
 - controlled excavations,
 - radio stations,
 - television studios, and
 - wireless transmitting and receiving structures.
- The following Special Exceptions should be granted only when:
- 1) the property owner occupies the subject property;
 - 2) no other similar Special Exception use exists within 1000 feet of the requested Special Exception;
 - 3) the property owner certifies that he has met with all contiguous property owners and representatives of the local community association to discuss the requested Special Exception;
 - 4) parking for all vehicles associated with the Special Exception use can be accommodated on site:
 - boarding or rooming houses
 - tourist homes
 - offices or studios.
- All other Special Exceptions shall meet the following overall criteria:
- 1) A Special Exception use shall be deemed a privilege permitted when the use is found by clear and convincing evidence to be consistent with the standards defined in D.2. a-k, above.
 - 2) Burden of Proof: The applicant seeking the Special Exception bears the burden of proof throughout the proceeding to demonstrate that the use is consistent with the standards of D.2. a-k, above.